

MINUTE ITEM

18. REVISION OF DESCRIPTION OF TIDELAND SURVEY NO. 48, BOLINAS BAY, MARIN COUNTY; AND APPROVAL OF ISSUANCE OF PATENT - S.W.O. 7949.

After consideration of Calendar Item 9 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. APPROVES THE AMENDED DESCRIPTION OF THE ORIGINAL FIELD NOTES OF TIDELAND SURVEY 48, MARIN COUNTY, HEREINAFTER SET FORTH; AND
2. AUTHORIZES ISSUANCE OF A PATENT IN THE NAME OF THE ORIGINAL APPLICANT, HENRY HUTTON, UPON COMPLIANCE WITH APPLICABLE STATUTES, FOR THE FOLLOWING-DESCRIBED TIDELANDS:

BEGINNING AT A STAKE WHICH BEARS N.  $53^{\circ} 15' 00''$  E., 629.64 FEET FROM THE SOUTHWEST CORNER OF THE NE $\frac{1}{4}$  OF THE NW $\frac{1}{4}$  OF SECTION 30, T. 1 N., R. 7 W., M.D.M., AND BEING ON THE BANK OF BOLINAS BAY AT THE SOUTHWEST CORNER OF TIDELAND SURVEY NO. 17; THENCE FOLLOWING THE BANK OF SAID BAY AT ORDINARY HIGH WATER S.  $16^{\circ} 30' 00''$  E., 328.21 FEET AND S.  $28^{\circ} 00' 00''$  W., 854.44 FEET; THENCE EAST 327.27 FEET TO THE LINE OF ORDINARY LOW TIDE; THENCE ALONG SAID LINE OF ORDINARY LOW TIDE N.  $16^{\circ} 33' 14''$  E., 97.72 FEET, N.  $5^{\circ} 01' 46''$  E., 197.57 FEET, N.  $9^{\circ} 50' 00''$  W., 128.41 FEET, N.  $18^{\circ} 46' 43''$  E., 162.93 FEET, N.  $6^{\circ} 26' 26''$  E., 177.63 FEET, N.  $7^{\circ} 20' 01''$  W., 171.94 FEET, N.  $6^{\circ} 24' 32''$  E., 81.74 FEET AND N.  $3^{\circ} 43' 56''$  W., 69.25 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID TIDELAND SURVEY NO. 17; THENCE ALONG SAID SOUTH LINE WEST 90.75 FEET TO THE PLACE OF BEGINNING, CONTAINING 3.28 ACRES.

Attachment  
Calendar Item 9 (2 pages)

CALENDAR ITEM

9.

REVISION OF DESCRIPTION OF TIDELAND SURVEY NO. 48, BOLINAS BAY, MARIN COUNTY;  
AND APPROVAL OF ISSUANCE OF PATENT - S.W.O. 7949.

An application to purchase a parcel of tideland in Bolinas Bay was filed by Henry Hutton on October 13, 1865. The application and accompanying survey, completed by the County Surveyor of Marin County, were submitted in accordance with authority contained in the Act of Legislature approved April 27, 1863 (Chapter 397, page 591), authorizing the sale of tidelands. Records of the Division indicate that the application and survey were approved by the Register of the State Land Office on December 5, 1865, and payment in full for said land is shown as having been made to the County Treasurer on January 24, 1866. The patent has been issuable since 1866, pursuant to provisions of law which are currently incorporated in Section 7729 of the Public Resources Code. On December 3, 1962, Eugene Snow, as a successor in interest to the original applicant, applied for issuance of the patent.

The area stated in the original survey of 1865 was seven acres. However, the description extends to a line on the earth's surface which may be only presumed to have been the low water mark of 1865 as the seaward boundary of the survey; this assumption, however, cannot be proven. In any case, there was no authority to sell any land beyond the low tide line, wherever such line might have been in its natural condition. Therefore, in accordance with the intent of the survey to embrace only the tidelands within a segment of the  $E\frac{1}{2}$  of  $NW\frac{1}{4}$  of Section 30, T. 1 N., R. 7 W., M.D.M., southerly from Tide Land Survey No. 17, it would appear proper to amend the original survey description to embrace only the tidelands out to the last known natural position of mean low tide, which line has been determined to be that which existed in 1939 just prior to the installation of control structures by the United States Engineers at the entrance to Bolinas Lagoon. This 1939 line of mean low tide has already been described as the landward boundary of the area granted to the Bolinas Harbor District, as surveyed by the staff of the State Lands Commission per the requirements of Statutes of 1957, Chapter 800.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE AMENDED DESCRIPTION OF THE ORIGINAL FIELD NOTES OF TIDELAND SURVEY 48, MARIN COUNTY, HEREINAFTER SET FORTH; AND
2. AUTHORIZE ISSUANCE OF A PATENT IN THE NAME OF THE ORIGINAL APPLICANT, HENRY HUTTON, UPON COMPLIANCE WITH APPLICABLE STATUTES, FOR THE FOLLOWING-DESCRIBED TIDELANDS:

BEGINNING AT A STAKE WHICH BEARS N.  $53^{\circ} 15' 00''$  E., 629.64 FEET FROM THE SOUTHWEST CORNER OF THE  $NE\frac{1}{4}$  OF THE  $NW\frac{1}{4}$  OF SECTION 30, T. 1 N., R. 7 W., M.D.M., AND BEING ON THE BANK OF BOLINAS BAY AT THE SOUTHWEST CORNER OF TIDELAND SURVEY NO. 17; THENCE FOLLOWING THE BANK OF SAID BAY AT ORDINARY HIGH WATER S.  $16^{\circ} 30' 00''$  E., 328.21 FEET AND S.  $28^{\circ} 00' 00''$  W., 854.44 FEET; THENCE EAST 327.27 FEET TO THE LINE OF ORDINARY LOW TIDE; THENCE ALONG SAID LINE OF ORDINARY LOW TIDE N.  $16^{\circ} 33' 14''$  E., 97.72 FEET, N.  $3^{\circ} 01' 46''$  E., 197.57 FEET,

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N. 9° 50' 00" W., 128.41 FEET, N. 18° 46' 43" E., 162.93 FEET,  
N. 6° 26' 26" E., 177.63 FEET, N. 7° 20' 01" W., 171.94 FEET,  
N. 6° 24' 32" E., 81.74 FEET AND N. 3° 43' 56" W., 69.25 FEET,  
MORE OR LESS, TO THE SOUTH LINE OF SAID TIDELAND SURVEY NO. 17;  
THENCE ALONG SAID SOUTH LINE WEST 90.75 FEET TO THE PLACE OF  
BEGINNING, CONTAINING 3.28 ACRES.